IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8297 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GAUTAM R RATHOD

Versus

GOVERNMENT OF GUJARAT

Appearance:

MR JA ADESHRA for Petitioner

NOTICE SERVED for Respondent No. 1

MS PJ DAVAWALA for Respondent No. 2

MR MUKESH R SHAH for Respondent No. 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 11/04/2001

ORAL JUDGEMENT

#. Counter affidavit has been filed by the respondents today. Heard Shri JA Adeshra and Ms.PJ Davawala on admission of this petition. With their consent, the petition is being finally disposed of at the admission stage.

#. In this petition, communication Annexure-'F' dated 16-3-1999 is under challenge, through which, request for reference of dispute has been rejected mainly on the ground that it was made after a lapse of more than 10 years and there was no justifiable reason for the delay, hence it was considered to be frivolous and stale.

#. Shri Adeshra points out that one of the petitioners of the same concern moved similar application, which was rejected on three grounds including 10 years' delay and that communication was set aside by this Court in SCA No.6776/1999. He further points out that in pursuance of that order passed by this Court reference has already been made. On this fact, Ms.PJ Davawala has no objection if the impugned annexure-'F' is quashed and the respondent no.3 is directed to decide the matter again on merits after taking into consideration such submissions of the concerned workman, which are on record or which may be placed on record by the workman when the matter is taken up for fresh decision.

#. In view of this, the petition is allowed. Impugned Annexure-'F' is set-aside. The respondent no.3 is directed to decide afresh the matter on merits after taking into consideration submissions made by the concerned workman which are on record or which may be placed on record by the workman when the matter is taken up for fresh decision. Representation may be made by the petitioner within two weeks from today. The respondent is directed to decide afresh the matter within a period of three months from the date of production of representation.

April 11, 2001. [D.C. Srivastava, J.]

/sakkaf